



Neurological National Audit Programme - Privacy Statement

1. Why does NNAP use data provided by NHS Digital?

The National Neurosurgical Audit Programme (NNAP) uses data provided by NHS Digital to monitor the performance, within trusts, of specific neurosurgical procedures and to provide information on the clinical practice of all neurosurgical consultants in NHS Digital hospitals. The history and goals of NNAP are summarised on the website of the Society of British Neurosurgical Surgeons at <https://www.sbns.org.uk/index.php/audit>.

In summary, the data is used to:

- Engage hospitals in a comprehensive audit programme, reflecting the full spectrum of elective and non-elective neurosurgical activity.
- Provide a consistent and meaningful approach to reporting on national clinical audit and outcomes.
- To provide clinical audit as the key approach to improving patient care, outcomes, safety, and experience.

The expected benefits from processing the data are:

- To Patients from improved outcomes for patients requiring neurosurgery in England, with fewer complications, increased success rates, and shorter lengths of stay in hospital.
- To the NHS with more cost-effective pathway design, allowing for reinvestment in the NHS.
- To the wider public in relation to healthier outcomes for patients, greater knowledge regarding the efficacy of different types of procedures in neurosurgery, improving geographical access to high quality care by local care initiatives and minimizing variation. Cost efficiency analysis and minimally invasive programmes benefit the NHS as a whole in improving efficiency and allowing more to be done without additional resource.

2. What data is provided?

The NNAP uses data about neurosurgical procedures that is collected during a patient's time in hospital (the Hospital Episodes Statistics (HES) service) and date and cause of death (Civil Registrations mortality data). Whilst the data does not include any patient identifiable date, it does include the identifier assigned to them by the hospital: this local identifier does not, however, fall under the definition of 'confidential patient information'. The identifier is necessary for the surgeon in charge of a patient's care at the time of their stay to be able to re-identify the patient's record using local patient record systems. They may need to do this when validating the data included in their clinical practice. The mortality data is used to calculate the time to death following a neurosurgical intervention: the number of mortality events within 30 days of an intervention is a key indicator of outcome used by NNAP.

Neither the data controller (SBNS) nor the processor, NEC Software Solutions (NEC), can identify a patient from the data provided by NHS Digital.

A surgeon's GMC code and name are also included with the data. This data is linked to publicly available data provided by the General Medical Council (GMC) to ensure that only procedures undertaken by surgeons with a clinical speciality of Neurosurgery are used for analysis and for publication of data at an NHS England trust- level and at a consultant-level.

Data that is used for analysis by SBNS-approved statisticians and surgeons has both the local patient identifier and the surgeon GMC code and name removed, ensuring that a pseudo-anonymised dataset is used. All published information uses aggregated data and suppresses small numbers to ensure that it is not possible to identify individual patients.

3. What is our legal basis for processing the data?

The NNAP processes data under the lawful basis condition 'public health' where processing is necessary for the reasons of public interest in the area of public health (Data Protection Act 2018 Schedule 1 Part 1 (3)), underpinned by the Health and Social Care Act 2012 Part 1 Section 2.

Under the General Data Protection Regulation (GDPR) the legal basis for us to process the data is that the 'processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child' (Article 6.1.f), and 'processing is necessary for reasons of public interest in the area of public health, such as against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices' (Article 9.2.i).

The Legitimate Interests under Article 6.1.f of the GDPR are:

- To ensure compliance with standards and carry out a national surgical outlier programme, with the results published on the NNAP website, to provide local and national reassurance that neurosurgical services are safe
- To analyse variation in surgical activity and its effect on outcomes to minimize harm to patients and facilitate quality improvement programmes.
- Contributing to, and supporting, ongoing workstreams in partner organisations - NHS England Neurosciences Transformation Programme, specialised commissioning, and GIRFT (Get it Right First Time).

4. How do we process the data?

All data provided to the NNAP is stored on a secure computing infrastructure and accessible only to a limited number of NEC staff and analysts. The NNAP Governance Committee, comprising of members of the Council of the SBNS, approve individual access to the data. Analysis of the data is undertaken by NEC data scientists, and surgeons and statisticians appointed by the NNAP Governance Committee. All analysis takes place on the NEC secure network which means that no data is downloaded to laptops/PCs, etc. without the prior approval of NHS Digital.

Surgeons are provided with secure access to information about patient procedures for patients who were in their care during a patient hospital stay, i.e. those episodes to which they were assigned as the consultant.

Please be reassured that the storage and use of the data are subject to very strict controls.

5. Information Sharing with NHS and non-NHS organisations

The NNAP may share non-identifiable patient information with NHS organisations, including:

- NHS authorities for the purposes of clinical auditing, e.g. the Getting it Right First Time (GIRFT) programme.
- Bodies with statutory regulatory or investigative powers, e.g. the Care Quality Commission.

6. What information does the NNAP publish?

NNAP publishes information about neurosurgical procedures at both a trust and consultant surgeon level on its website at www.nnap.org.uk. Information about mortality outcomes at a trust level is also included. In addition to the information published on its website, trust neurosurgical leads are also provided with a comprehensive and detailed annual report.

Peer-reviewed papers are also submitted for publication in professional journals.

Information about individual patients is not included in any publication or on the website.

7. Who controls the use of the data?

The NNAP is managed by a Governance Committee comprising members of the SBNS Council and the SBNS is responsible for the NNAP's compliance with the necessary legal and statutory frameworks. As such, SBNS is the data controller and is responsible for how the data is used. Other than NEC employees, SBNS directly approves an individual's access to the data and what it is to be used for. Those accessing the data are usually neurosurgeons undertaking audit at the direction of SBNS. In deciding who can have access to the data, SBNS has a defined approvals process which involves clinical, information governance, and data protection expertise. The contact details for the SBNS are:

Email: admin@sbns.org.uk

Telephone: 0207 869 6892

In writing at: Society of British Neurological Surgeons
35-43 Lincoln's Inn Fields
London
WC2A 3PE

8. Who processes the data?

The data is processed by NEC Software Solutions (UK) Ltd (NEC). NEC is contracted by SBNS to provide the data processing and reporting services for NNAP. NEC also undertakes outcomes analyses for inclusion in those reporting services. Only a very limited number of NEC staff have access to the data and the computers that it is stored on. NEC processes the data as directed by the data controller.

NEC is certified to UK and international standards for information security, information management, and data processing. This includes compliance with the NHS Data Security and Protection Toolkit (DSP Toolkit) which is a requirement for any organisation processing NHS data. Compliance with the DSP Toolkit is reviewed each year. In addition to providing the facilities for

storing and protecting the data, NECS also provides the online reporting services for surgeons and the online, public facing website.

For more information about NEC, please select the following link:

<https://www.necsws.com/sectors/healthcare/>

9. How long to we keep the data?

The data will be retained for as long the NNAP needs to undertake audit of neurosurgical services in NHS England Trusts. Looking at data over a longer period of time enables NNAP to determine whether or not services are improving. However, if it is determined that data older than a certain period, e.g. ten years, is not required, then it will be destroyed in line with NHS Digital Policies. In summary, in determining the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

The NNAP's approval to continue to process the data is dependent upon maintaining a formal Data Sharing Agreement (DSA) with NHS Digital. The DSA is renewed annually, with NHS Digital ensuring that the data remains to be processed in line with the purposes outlined in the agreement. Any changes to the way in which data is processed or the purpose of its processing have to be agreed with NHS Digital and an amendment to the DSA issued.

10. Access to your data and your rights under GDPR

The data provided to NNAP is not considered confidential and is been pseudo-anonymised by NHS Digital before being made available to NNAP. This means that all patient identifiers have been removed. Under data protection legislation, whilst individuals have the right to request access to information held about them, NNAP, in the absence of any patient identifiers, will not be able to provide data held about individual patients. NNAP will only be able to provide details of the type of data that may be processed by the NNAP.

Patients may, via their GP, elect to opt out of their data being used for secondary purposes. If necessary, NHS Digital will remove any records relating to a patient who has applied an opt out before the data is provided to NNAP.

The NNAP has ensured that it has minimised the data it needs to fulfil its purposes and identified that patient identifiable data is not required.

If you have any further queries about how the data is processed or need further information, please contact the NNAP support desk at:

Email: health_servicedesk@necsws.com.

Telephone: 0845 345 9991

In writing at: NEC Software Solutions (UK) Ltd
BizSpace, 1st Floor, iMex Centre,
575-599 Maxted Road,
Hemel Hempstead,
HP2 7DX

11. Complaints

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues (www.ico.org.uk). We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please speak to us in the first instance, using the details in Paragraph 10 above.

12. Information about Consultant Neurosurgical Surgeons

We hold personal data about surgeons, including name, GMC code, and email addresses. With the exception of the surgeon's email address, all other information is publicly available and, with the exception of the surgeon's name and GMC number, can be edited by the surgeon.

The information is collected in order to publish data and information as part of the NNAP audit and its associated processes. As such, the legal basis for the collection of this information is that there is a legitimate interest in obtaining and processing this data in order to carry out the functions of NNAP.

All surgeons who have relevant procedures submitted to the Hospital Episode Statistics (HES) service will have details of their clinical practice published on the NNAP website. Surgeons may edit some data related to their public profile but not their name, GMC code, or published data from the Hospital Episodes Statistics (HES) service.

Surgeons are also encouraged to provide a valid email address when creating their profile: this email address will not be made publicly available and will be used by either SBNS or NEC staff to provide surgeons with important information, e.g. informing them when data about their clinical practice is due for publication.

As part of SBNS' outlier monitoring process, the personal details of operating surgeons may be provided to an investigating clinician where a trust's performance is identified as being statistically outlying. This disclosure is in line with SBNS' published outlier management policies. Further details can be found on the NNAP website in the section '[Policies and Publications](#)'.